



**US Army Corps
of Engineers**
Louisville District ®

Public Notice

Public Notice No.
LRL-2016-1145-jea

Open Date:
1 Feb 2017

Close Date:
3 Mar 2017

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Ms. Jane Archer, CELRL-RDS, Rm 752
P.O. Box 59
Louisville, Kentucky 40201-0059

Phone: (502) 315-6682

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act:

APPLICANT: JDG 1849, LLC
320 Whittington Parkway
Louisville, Kentucky 40222

AGENT: Redwing Ecological Services, Inc.
1139 South Fourth Street
Louisville, Kentucky 40208

LOCATION: Unnamed tributaries of Chenoweth Run and Floyds Fork and emergent wetlands adjacent to these unnamed tributaries within a 107-acre parcel, located north of intersection of I-265 (Gene Snyder Parkway) and Old Henry Road in Jefferson County, Kentucky.

Latitude: 38.281519° (N)
Longitude: 85.497642° (W)
7.5 Minute Quad: ANCHORAGE AND
CRESTWOOD, KENTUCKY

PURPOSE: The purpose of the proposed fill is to construct a residential and commercial development complex in north-central Jefferson County, Kentucky.

DESCRIPTION OF WORK: The applicant proposes to construct a multi-use development consisting of multi-family residences, office space, commercial retail, and senior assisted living facilities. Furthermore, the development would include associated access roads, utilities, parking lots, and stormwater management (see attached Figure 2, Sheets 1 and 2).

The proposed project would involve permanently impacting a total of 0.697 acre of "waters of the United States (U.S.)", including 1,955 linear feet of three (3) intermittent streams, 840 linear feet of seven (7) ephemeral streams, 0.143 acre of open water pond, and

0.416 acre of five (5) emergent wetlands as depicted in Figure 2. These waters would be filled with approximately 25,000 cubic yards of clean earthen fill material.

AVOIDANCE AND MINIMIZATION MEASURES: The applicant considered design alternatives with the 107-acre parcel to reduce impacts. The proposed design layout illustrates they would be able to avoid 350 linear feet of ephemeral stream but could not avoid impacts to other "waters of the U.S.", in the project area and still be able to meet the project purpose and need for the development of a large multi-use commercial and residential complex.

MITIGATION MEASURES: To compensate for the unavoidable impacts to "waters of the U.S.", the applicant proposes to purchase an appropriate amount of stream and wetland mitigation credits from an in-lieu fee program or approved mitigation bank, and construct on-site stormwater management system. It is noted that this proposed mitigation plan is open to comment and subject to change. The Corps will make a determination of appropriate mitigation, upon review of all submitted information.

REVIEW PROCEDURES: A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied. A DA permit, if otherwise warranted, will not be issued until a State of Kentucky Water Quality Certification or waiver is on file at this office. In order to comply with Section 401 of the Clean Water Act, the applicant must apply for State certification from the Kentucky Energy and Environment Cabinet Division of Water (KDOW).

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. Based on available information, the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest which might be damaged by issuance of the DA Permit.

The National Register of Historic Places has been consulted and it has been determined that there may be potentially one site listed on the Register within the current project site. Prior to taking final action on this application, this office will establish the location relative to the proposed worksite. Any impacts on such properties will be evaluated and considered in making the final decision. With respect to other sites not currently listed on the Register, if we are made aware, as a result of comments received in response to this notice or by other means, of specific archaeological, scientific, prehistorical, or

historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 -Public Law 89-665 as amended (including Public Law 96-515).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines (40 CFR Part 230) promulgated by the Administrator, United States Environmental Protection Agency, under authority of Section 404(b) of the CWA.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. It is presumed that all interested parties and agencies will wish to respond; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed project. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this permit request. Any objections which are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

Information pertaining to this application is available for public examination during normal business hours upon prior request. Drawings are available on Louisville District's Internet site at

Regulatory Division
South Branch
Public Notice No. LRL-2016-1145-jea

<http://www.lrl.usace.army.mil/Missions/Regulatory.aspx>. All comments regarding this proposal should be addressed to Ms. Jane Archer, CELRL-RDS at the address noted above and should refer to the Public Notice Number LRL-2016-1145-jea.

If you desire to submit your comments by email, you must comply with the following:

a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-2016-1145-jea.

Example:

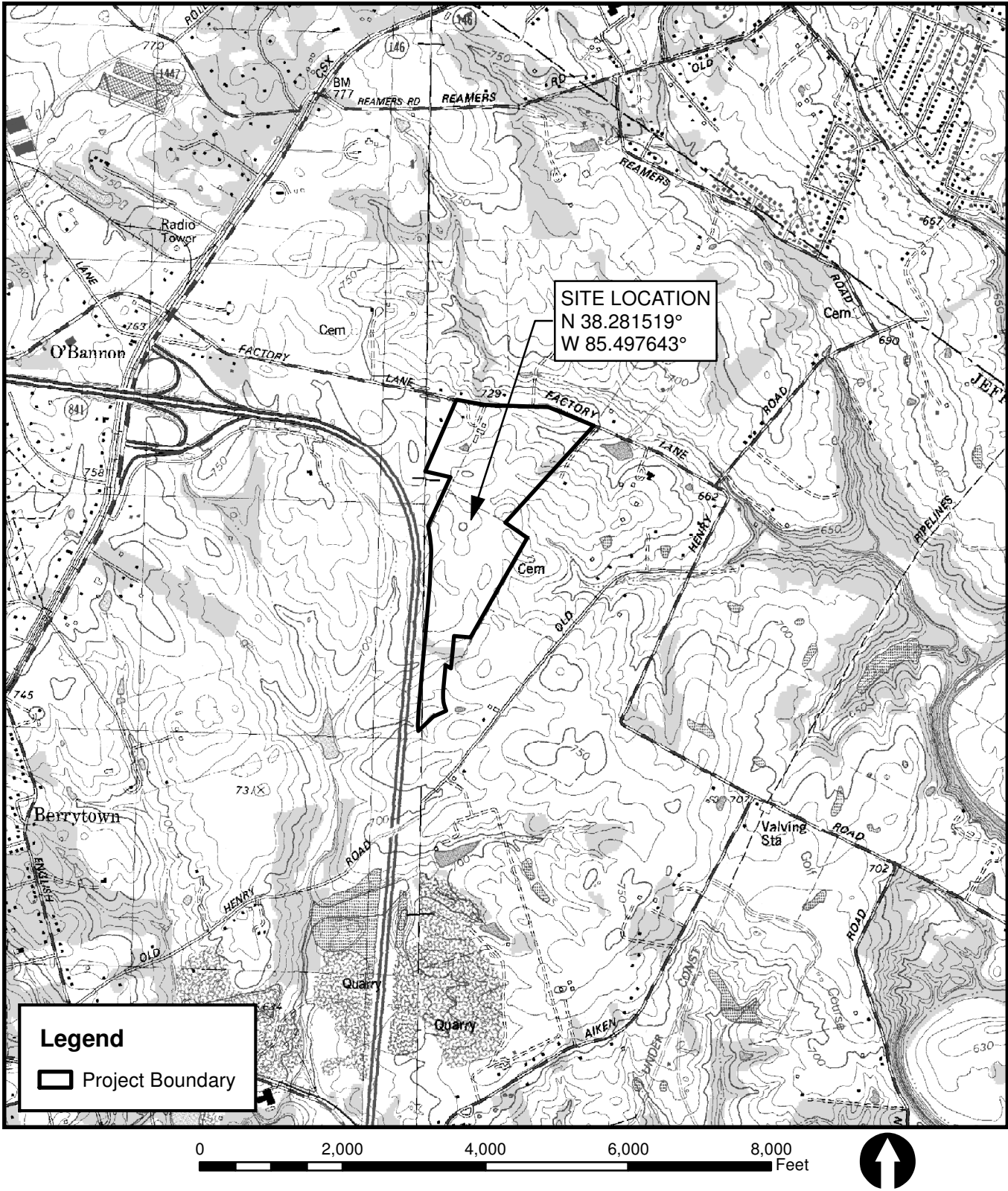
Subject: LRL-2016-1145-jea

b) Provide your physical mailing address and telephone number.

c) Send your email to: lrl.regulatorypubliccomment@usace.army.mil.

d) If you are sending attachments greater than 1 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.

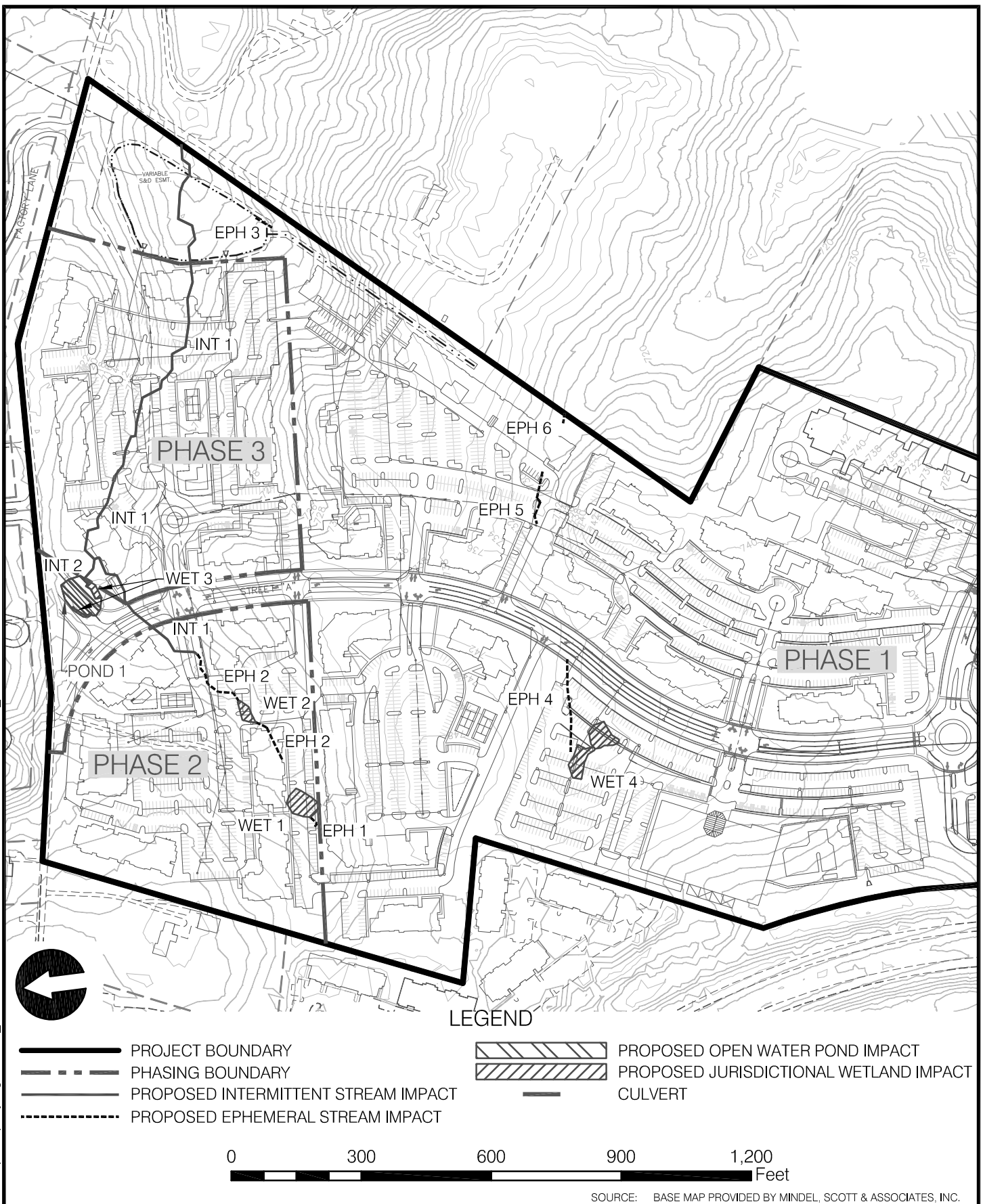
Source: USGS 7.5-minute Topographic Map - Anchorage and Crestwood, Kentucky Quadrangle.



ST. JOSEPH'S PROPERTY
JEFFERSON COUNTY, KENTUCKY
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SITE LOCATION MAP



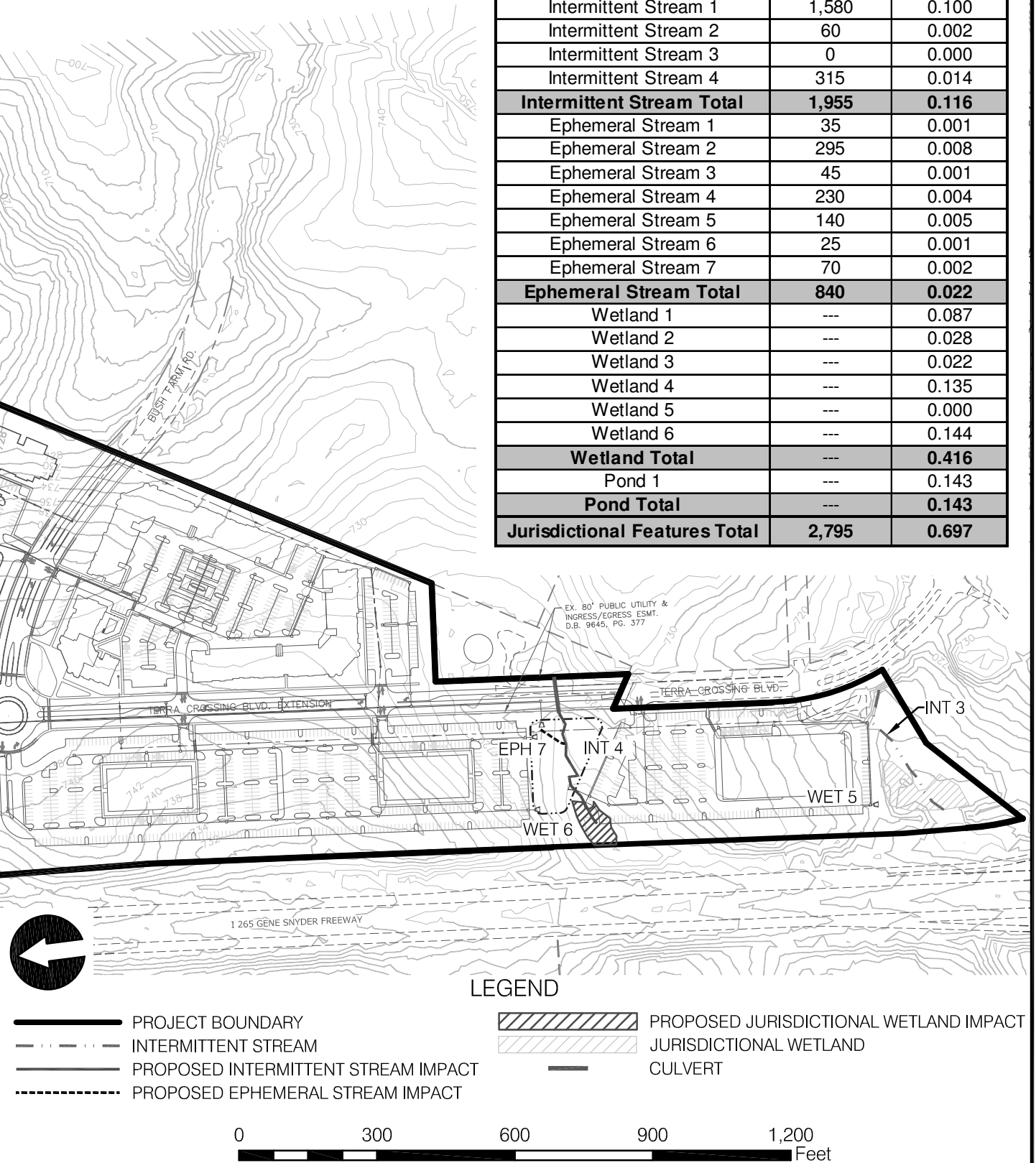
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SITE DEVELOPMENT PLAN

FIGURE 2
SHEET 1 OF 2

Feature	Impact Length (feet)	Impact Area (acres)
Intermittent Stream 1	1,580	0.100
Intermittent Stream 2	60	0.002
Intermittent Stream 3	0	0.000
Intermittent Stream 4	315	0.014
Intermittent Stream Total	1,955	0.116
Ephemeral Stream 1	35	0.001
Ephemeral Stream 2	295	0.008
Ephemeral Stream 3	45	0.001
Ephemeral Stream 4	230	0.004
Ephemeral Stream 5	140	0.005
Ephemeral Stream 6	25	0.001
Ephemeral Stream 7	70	0.002
Ephemeral Stream Total	840	0.022
Wetland 1	---	0.087
Wetland 2	---	0.028
Wetland 3	---	0.022
Wetland 4	---	0.135
Wetland 5	---	0.000
Wetland 6	---	0.144
Wetland Total	---	0.416
Pond 1	---	0.143
Pond Total	---	0.143
Jurisdictional Features Total	2,795	0.697



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SITE DEVELOPMENT PLAN

FIGURE 2
SHEET 2 OF 2